

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 10-20 are newly added by way of this amendment. Thus, Claims 1-20 are pending in this application, with Claims 1 and 11 being the only independent claims.

The Official Action rejects Claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,976,093, hereinafter *Jang*, and alternatively under 35 U.S.C. § 103(a) as being unpatentable over *Jang* in view of U.S. Patent No. 5,024,234, hereinafter *Leary*.

Claim 1 is directed toward a catheter comprising an observation portion used for observation of the inside of an organism and disposed in an observation lumen which extends in the direction of insertion into the organism. A first guide wire lumen has a distal end and a proximal end, and is disposed substantially parallel to the observation lumen, with the proximal end of the first guide wire lumen being disposed on the distal end side in the insertion direction in relation to the observation portion and through which a guide wire is passed. A second guide wire lumen has a distal end and a proximal end, and is disposed on an extension line of the first guide wire lumen, with the distal end of the second guide wire lumen being disposed on the proximal end side in the insertion direction in relation to the observation portion and through which the guide wire is passed.

Jang discloses a vascular catheter having a low-profile distal end. As shown in Fig. 13 of *Jang*, the catheter is made up of a tubular member 202 that extends from the distal end 208 to the proximal end 210. The tubular member 202 defines

the inside area of the catheter. The distal end of the tubular member 202 defines a first lumen 212. Three separate lumens 214, 216, 218 are within the tubular member 202. As shown in Fig. 13, an ultrasonic imaging assembly 204 is received in the third lumen 218.

It is understood from the comments in the Official Action that the language in original Claim 1 reciting that the proximal end of the first guide wire lumen is disposed on the distal end side in relation to the observation portion and that the distal end of the second guide wire lumen is disposed on the proximal end side in relation to the observation portion is broadly interpreted as being disclosed in *Jang*. To more clearly differentiate the claimed catheter over the disclosure in *Jang*, Claim 1 is amended to better define that the first guide wire lumen and the second guide wire lumen are not connected to one another. *Jang* does not disclose that the lumen 212 and the lumen 216 are not connected to one another. Quite the contrary, Fig. 13 shows, and the written description describes, that the lumen 212 formed by the distal end 208 of the tubular member 202 is connected to the lumen 216 (as well as the lumens 214, 218). Considering at least this difference, withdrawal of the rejection under 35 U.S.C. § 102(b) based on *Jang* is respectfully requested.

Leary is alternately relied upon in the Official Action as providing a teaching or suggestion to modify *Jang* to include proximal/distal guide wire lumen segments that straddle the working or imaging area of the observation portion. However, *Leary* does not satisfy the deficiencies pointed out above in that *Leary* does not disclose first and second guide wire lumens that are not connected to one another. Therefore, the rejection under 35 U.S.C. § 103(a) should also be withdrawn.

Claim 10 is newly added and defines that the proximal end and the distal end of the first guide wire lumen each possess an opening, while the proximal end and the distal end of the second guide wire lumen each possess an opening, with the opening at the proximal end of the first guide wire lumen being positioned on the distal side of the observation part and the opening at the distal end of the second guide wire lumen being positioned on the proximal side of the observation part. In contrast, *Jang* shows the three lumens 214, 216, 218 overlapping with the observation area where the ultrasonic imaging assembly 204 is located. Claim 10 is thus further allowable.

Newly added Claim 11 is similar to original Claim 1, and additionally recites that the proximal end and the distal end of the first guide wire lumen each possess an opening, and that the proximal end and the distal end of the second guide wire lumen each possess an opening. Claim 11 also recites that the opening at the proximal end of the first guide wire lumen and the opening at the distal end of the second guide wire lumen are spaced apart from one another such that when a guide wire is positioned in both the first guide wire lumen and the second guide wire lumen, a portion of the guide wire is located exterior of the catheter. Neither *Jang* nor *Leary* discloses a catheter construction having such an arrangement of guide wire lumens together with the other claimed features. For at least that reason, Claim 11 is allowable over the applied documents.

Claims 2-9 and 12-20 are allowable at least by virtue of their dependence from allowable independent Claims 1 and 11.

For at least the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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